IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WEALTH TAX APPEAL NO.727 OF 2002

Babulal M. Bhansali .. Appellant.
V/s.
Wealth Tax Officer .. Respondent.

AND

WEALTH TAX APPEAL NO.743 OF 2002

Babulal M. Bhansali .. Appellant.
V/s.
The Assistant Commissioner
of Wealth Tax .. Respondent.

Mr.A.K. Jasani for the appellant.
Mr.Parag Vyas for the respondent.

CORAM : V.C. DAGA &
J.P. DEVADHAR, JJ.

DATED : 30TH SEPTEMBER, 2005.

P.C. :

1. Heard finally by consent of the parties since both the cases involve common issue and the identical assessee.

2. During the course of hearing an admitted position is brought to our notice that the Commissioner of Income Tax (A) for both assessment years i.e. for the years 1990-91 and 1991-92 has taken a view running counter to each other.

3. Both orders were carried in appeal to the Tribunal. The Tribunal without taking into account

the divergent views of the first appellate court for both the assessment years, without dealing with this aspect and without recording any reason in support of its conclusion rejected the contention raised by the assessee. In absence of any reasons and/or detail discussion, the impugned order is unsustainable. No useful purpose would be serve by admitting this appeal and keeping it pending for years together.

4. In the above view of the matter, by consent of the parties the impugned orders are set aside leaving all rival contentions open for adjudication afresh. Both matters are remanded back to the tribunal for denovo hearing. The tribunal is directed to deal with the divergent views taken by the Commissioner of Income Tax (A) and dispose of the matters with reasoned order as expeditiously as possible at any rate within three months from the date of receipt of the copy of this order.

5. Both the appeals, accordingly, stands disposed of in terms of this order with no order as to costs.

(V.C. DAGA, J.)

(J.P. DEVADHAR, J.)